

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 25, 1966
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Palmer presiding.

Roll call:

Present: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Absent: None

Present also: W. T. Williams, Jr., City Manager; Dudley Fowler, Assistant City Attorney; Reuben Rountree, Jr., Director of Public Works; Robert A. Miles, Chief of Police

Invocation was delivered by REVEREND THEODORE McELROY, Hyde Park Christian Church.

The Council greeted and welcomed Girl Scout Troup 128 and their leader, Mrs. Covill.

MAYOR PALMER announced it was 10:00 A.M. and bids would be opened on equipment for the Decker Creek Power Plant. Bids were opened on Contract X-128-Remote Burner Control as follows:

REMOTE BURNER CONTROLS - CONTRACT X-128

BIDDER	BID BOND	REMOTE BURNER CONTROLS BID- DING UNIT NO. I	PER DIEM BIDDING UNIT NO. II	ESCALATION
COMBUSTION ENGINEERING, INC.	\$40,000	\$279,938*	\$100 per day	Firm
FORNEY ENGR. CO.	\$40,000	\$164,627	\$100 " "	Not to ex- ceed 20%

*exceptions

The bids were referred to the Consulting Engineers for evaluation, recommendation and report back to the Council on August 31, 1966.

Bids were opened on Contract X-126 - Power Transformer as follows:

POWER TRANSFORMERS - CONTRACT X-126

BIDDER	BID BOND	BIDDING UNIT #I MAIN TRANSFORMER	BIDDING UNIT #II AUXILIARY TRANSFORMER	BIDDING UNIT #III START-UP TRANSFORMER
ALLIS-CHALMERS MFG. CO.	\$100,000	\$421,200	\$36,300*	\$65,500
FEDERAL PACIFIC ELEC. CO.	\$100,000	No Bid	\$33,050	\$74,100
GENERAL ELECTRIC CO. 1	\$100,000	\$453,200	\$35,280	\$61,056
PENNSYLVANIA TRANSFORMER 2	\$100,000	\$390,300	\$35,650	\$58,600
WESTINGHOUSE ELEC. CORP.	\$100,000	\$406,559	((\$36,962 ³ ((35,282 ⁴ ((33,602 ⁵ (((33,941 ³ (at 32,398 ⁴ ((30,856 ⁵	\$65,793 ³ 62,802 ⁴ 59,812 ⁵

BIDDER	BIDDING UNIT #IV LUMP SUM COMBINATION BIDDING UNITS #I, II & III	PER DIEM BIDDING UNIT #V	ESCALATION
ALLIS-CHALMERS MFG. CO.	\$523,000	\$120	Firm
FEDERAL PACIFIC ELECT. CO.	No Bid	\$115	10%
GENERAL ELECTRIC CO.	\$549,536	\$137	See Quotation
PENNSYLVANIA TRANSFORMER	\$484,550	\$125	5%
WESTINGHOUSE ELECT. CORP.		\$137	Firm

* Deviation (see proposal)

1 Exceptions - see quotation letter

2 Drawing time exception

3 Ship Jan 1969

4 " Sept 1968

5 " March 1968

The bids were referred to the Consulting Engineers for evaluation, recommendation and report back to the Council Wednesday, August 31st.

At 10:30 A.M. the Mayor opened the hearing on ordinance to annex HERITAGE HILLS, SECTION 3 and portions of PATTON'S ADDITION, SECTION 3-A. No one appeared to be heard. Councilman LaRue moved that the hearing be closed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Mayor Palmer brought up the following ordinance for its first reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF (A) 20.81 ACRES OF LAND OUT OF AND A PART OF THE JAMES P. WALLACE SURVEY NUMBER 57; AND (B) 0.8 OF ONE ACRE OF LAND OUT OF AND A PART OF THE JOHN APPLGAIT SURVEY NUMBER 58, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE. (Heritage Hills, Section 3 and portions of Patton's Addition, Section 3-A)

The ordinance was read the first time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman LaRue moved that the ordinance be passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Councilman White moved that the Minutes of the meeting of August 11, 1966, be approved. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer
Noes: None

Present but not voting: Councilman Long (as she was out of the city on that date)

Councilman White moved that the Minutes of the Meeting of August 18, 1966, be approved with correction noted. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Councilman White moved that the Council approve the construction of shoreline improvements consisting of a retaining wall on Lot 23, Lakeshore Addition - Carl Wootten. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The City Manager submitted the following:

"August 22, 1966

"Mr. W. T. Williams, Jr.
City Manager
Austin, Texas

"Dear Mr. Williams:

"Sealed bids were received until 11:00 A.M., Friday, August 12, 1966, at the Office of the Director of the water and Sewer Department for the RELOCATION AND INSTALLATION OF APPROXIMATELY 213 FEET OF 8-INCH, 5138 FEET OF 6-INCH AND 2515 FEET OF 2 1/4-INCH CAST IRON WATER MAINS ALONG U. S. HIGHWAY 290 FROM SPRINGDALE ROAD TO MANOR, TEXAS. The purpose of this project is to relocate and install utilities for Highway widening, as requested by the State Highway Department. The bids were publicly opened and read in the Second Floor Conference Room at the Municipal Building, Austin, Texas.

"The following is a tabulation of bids received:

<u>FIRM</u>	<u>AMOUNT</u>	<u>WORKING DAYS</u>
Bill Tabor Construction Company	\$28,228.65	100
M & A Construction Company	30,911.10	40
Capitol City Utilities	31,499.45	65
Eland Construction Company	33,333.00	50
Walter W. Schmidt	33,416.65	65
John R. Hughes Construction Company	37,073.10	30
J. C. Evans Construction Company	37,902.35	45
Ford-Wehmeyer, Inc.	47,052.90	90
City of Austin (Estimate)	37,952.80	45

"It is recommended that the contract be awarded to the Bill Tabor Construction Company on their low bid of \$28,228.65 with 100 working days.

"Yours truly,
s/ Victor R. Schmidt, Jr.
Victor R. Schmidt, Jr.
Director Water and Sewer Department"

After discussion, Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on August 12, 1966,

for the relocation and installation of approximately 213 feet of 8-inch, 5138 feet of 6-inch and 2515 feet of 2-1/4 inch cast iron water mains along U. S. Highway 290 from Springdale Road to Manor, Texas; and,

WHEREAS, the bid of Bill Tabor Construction Company, in the sum of \$28,228.65, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Water and Sewer Department of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Bill Tabor Construction Company, in the sum of \$28,228.65, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract, on behalf of the City, with Bill Tabor Construction Company.

The motion, seconded by Councilman LaRue, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH NELSON PUETT, JR., FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

The Council had before it for consideration a Resolution authorizing the demolition of a building at 606-608 San Jacinto Street. The Building Official gave a report on the condition of the building which was damaged by fire, and

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stated notices sent to the owner, MR. K. C. MILLER, had been disregarded. After discussion, Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, an unsafe building exists in the City of Austin at 606-608 San Jacinto Street; and

WHEREAS, the owner thereof, K. C. Miller, has been notified in accordance with the provision of the Building Code of the City of Austin, that he must remove the unsafe condition, which notice has been disregarded; and,

WHEREAS, the public safety demands that this council take immediate action to remove this highly dangerous condition:

NOW THEREFORE, be it read by the City Council of the City of Austin, that the Building Official be and he is hereby authorized and directed to prosecute the owner as a violator of the Building Code of the City of Austin, and to proceed with correction work if the same is necessary.

The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That an official expression of appreciation for the very great service that C. N. Avery rendered to this community as a Commissioner of the City of Austin and as a private citizen be entered upon the minutes of the City of Austin.

This Council and this community feels a deep sense of loss at his passing but an even deeper sense of appreciation for the services rendered by this worthy man to his community and his country.

WITNESS Our hands and the official seal of the City of Austin, Texas this 25th day of August, 1966.

The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Council of the City of Austin takes this occasion to commend and honor those heroic students, ambulance attendants, newsmen, blood

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donors and other civilians who in an hour of crisis combined their efforts to protect and save the lives of our citizens from a deadly danger.

This Community is extremely proud of the obvious professional stature of its newsmen and women, having had an opportunity to compare their work with the work of their professional counterparts on a national level, and having found the comparison to be most favorable.

The heroism and professional competency of all of these individuals can only reflect credit on this Community.

Witness our hands this 25th day of August, 1966.

The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on August 22, 1966, W. T. Williams, Jr., City Manager, did file with the City Clerk the proposed budget for the operation of the City of Austin for the fiscal year 1966-1967; and,

WHEREAS, on August 22, 1966, said budget was submitted to the City Council by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the public hearing on said budget will be held in the City Council Chamber at the City Hall on September 15, 1966, at 10:35 A.M.; and

BE IT FURTHER RESOLVED:

That the City Clerk shall, at least ten (10) intervening days before said hearing date, publish, or cause to be published, public notice advertising said public hearing.

The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

MAYOR PALMER stated the Council over the many years had urged the citizens invited them and asked them to attend the public hearings on the Budget, as it is one of the most important documents in the City Hall. He said efforts were made to have a Budget that would give the services people wanted and asked for; but when they get into \$40,000,000, that is a lot of money. He reported the Council had reviewed the Budget thoroughly and had work sessions at which some suggestions and recommendations had been made, but he did not believe any Council Member would say this is or is not the Budget until the public had a chance to hear it and the public may have some recommendations. He brought out if all of the Council's suggestions were put into effect, the overall dollar value would not be altered more than a two-tenths of one percent increase. Councilman Long pointed out the

SITUATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUS-
PENDING THE RULE REQUIRING THE READING OF ORDINANCES
ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

MR. JOE MANOR, spokesman for eight funeral homes, reviewed the zone system under which all had operated and stated as these funeral homes go out of the emergency ambulance service, they had tried to see that Austin still would have a good ambulance service and had asked this group of men to take over the ambulance service. He asked that this zone system be continued for a period of 90 days, the Police Department funneling their calls to the new company thus providing an opportunity for gathering facts and figures on the operation. None of the funeral homes has any financial interest in this company. Mr. Manor said Angel Funeral Home had discontinued the emergency calls, but would want to continue the death calls in their zone. The matter of transferring indigent patients from Brackenridge Hospital to their homes had not been worked out, and the Mayor discussed this procedure in light of different charges by the two ambulance companies and suggested the service in indigents could be on a bid basis. Mr. Manor noted Austin had been blessed with real fine ambulance service and other cities had not; and when bidding is started, the service could deteriorate. MR. VILLASENOR, Mission Funeral Home, stated he was the only company remaining in the business; had purchased another ambulance, and he expected half of the City business, call for call. Brackenridge and Police calls would be of concern to him. MR. CONWELL SMITH, Austin Ambulance Service, stated they were taking over the service of the other companies, and he assumed they would get all of those companies' calls emanating from the Police Department. He pointed out the zone assigned to Angel Funeral Home went to MR. VILLASENOR when they discontinued their emergency service. MRS. PHILLIPS, Phillips and Upshaw Funeral Home, stated the colored funeral homes were not in zones, as they were within a few blocks of each other; but whenever they had calls from the Police Department, they always made them. MR. SCOTT KELLER, Austin Ambulance Service stated they would have 35 people on the payroll, and they would like to have more than 12

hours' notice on this policy. POLICE CHIEF MILES reported the three colored funeral homes were on a rotation basis since they were within three blocks of each other. He had told Mr. Villasenor and Mr. Keller that the allocation of ambulance service was a policy making decision; and in the absence of the Council's setting a policy, he would have to handle it on a call to call basis. MR. SMITH reported they had six units which could be used as emergency ambulances. The Mayor said the Council would consider these requests and see what might be worked out. Later in the meeting, the Council discussed these requests again. Councilman Shanks stated the funeral homes had asked this group to provide emergency services, and they had tried to work out something whereby the City would have adequate ambulance service. Councilman LaRue said these individuals had attempted to help the City solve the problem, and his position would be to look at this after the 90 day period as a brand new set of circumstances. Councilman Long asked if in 90 days this company would be on its own and Austin would have two separate firms operating and the circumstances would be different. Mr. Smith stated basically he would agree. Councilman Long stated with that understanding she could see where this would be a trial period, but that would not mean as far as she was concerned that in 90 days they would get six calls to the other one's two. Councilman White stated he would go along on 90 days leaving the zones and everything exactly as they are today. He asked that the company do careful bookkeeping on their operations. Mayor Palmer stated this policy would include the hospital calls also. Councilman Shanks moved that the City Manager instruct the Police Chief and the Hospital to continue the same zone system as it now exists in regard to ambulance services in the City, for a period of 90 days beginning September 1, 1966, and that the calls into the Police Department and from the hospital will be referred as they presently have been referred. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Council welcomed and greeted MR. HARRY NOLEN, former Commissioner of Police of the City of Austin.

The City Manager submitted a request from citizens living on KAY STREET, GOODWIN and BENGSTON STREET who would like to have the areas fogged. Councilman Long moved that these areas be fogged. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

MAYOR PALMER pointed out that Austin had been very fortunate at this time in not having any cases of encephalitis as is plaguing other cities. He stated the City had a program of fogging areas for those who asked for it; and also he pointed out the program the Federal Government had in its mosquito eradication. The Health Officer, Dr. Ben Primer, gave a report on the Eradication Program, in that the State Health Department had a contract with the U. S. Public Health Service to carry out this program to control the mosquito that carries yellow fever, having started this service last year. They have 50 men and 20 trucks going over the City to see if mosquitoes are found and if so, the men asked all the people in the block and in adjoining blocks permission to spray those areas.

This spray gets all mosquitoes. The City Health Department is still carrying on a program of spraying for mosquitoes and other insects as well, but the U.S. Public Health program has been a tremendous help on the mosquito control.

MR. EUGENE SANDERS urged that citizens clean up their own premises emptying out any containers holding water. He discussed the ordinance requiring lids on garbage cans, and on clearing weeds from lots.

The City Manager reported MR. ALVIN BERGEN, Texas Research League, has scheduled a meeting on September 28th, Wednesday afternoon to discuss with governmental officials proposals of cooperating agreements between local governments, and proposed legislation. The Mayor asked that this be placed on the Council's calendar and that the Council be notified shortly before this date.

The Council recessed until 2:30 P.M.

RECESSED MEETING

2:30 P.M.

At 2:30 P.M. the Council resumed its business.

The City Manager stated each member had received a very brief outline with the Agenda, in the form of a draft of statement of the City of Austin to be submitted on the proposed Water Development Plan. The City had been asked to file its comments before the 1st of September. The Assistant City Attorney read the seven point outline covering the report which carried statements concerning the following: (1) the amount of annual flow in the Colorado River at Austin - 1,500,000 acre feet; (2) the Colorado River as the only possible source of water for San Antonio; (3) surplus of water in the Colorado River water shed; (4) shifting of water shortage from one water shed to another with extremely extensive cross channel diversions; (5) the criteria of the water quality with regard to removal of chloride; (6) the temperature criteria; (7) property values in Austin and the Colorado River water shed. The draft set out the position of the City. The Mayor stated the City would oppose the present plan of diverting some of Austin's water. The Assistant City Attorney read the text of each point. Point 1 and the tabulation were discussed. The first sentence in the last paragraph of Point 1 was deleted. Points 2 and 3 were read and discussed. It was pointed out by the Director of Water and Sewer Utilities that 1,300,000 acre feet of water rights of the L.C.R.A. were not included in this figure, and the total water rights figure had been reduced by that amount. Point 4 was read.

The Assistant City Attorney read the "Position of the City of Austin with Respect to Water Treatment Costs and Water Quality Regulations" as prepared by the Superintendent of Water and Sewage Treatment, Mr. Albert Ullrich.

The Mayor explained the City asked permission to file its formal position, and it was given until September 1st for such filing.

Councilman Long read her statement, point by point, concerning the proposed State Water Plan as follows:

"As I look at the proposed City of Austin statement on the preliminary version of the Texas Water Plan laid out by the Texas Water Development Board, I am impressed with what Gov. John

Connally said about earlier critics of the Plan. He said that parochial and narrow interest cannot be allowed to determine the water programs for Texas. This proposed statement is both provincial and narrow.

"Austin is the Capitol of all Texas. It prospers as Texas does. For Austin's governing body to say that all parts of Texas should not be allowed to develop their full potential, or for it to say that the State government should dictate where people live and work in Texas, is unthinkable.

"Under the Plan, and under the law, Austin's right to 400,000 acre feet of water a year is fully protected and guaranteed by the Plan, and if it were not so, the Texas Water Rights Commission, again under the law, could not approve the Plan or any project affecting Austin and the Colorado River. The author of this statement ignores this fact of life completely. To comment on the other "points" in the proposed statement:

"Point 1: This 'false premise' is false itself. There is no mention in the Colorado Basin report of flows of 1,500,000 acre feet each year at Austin.

"Point 2: The Texas Water Plan proposes sources of supply for San Antonio from the Edwards Limestone, the Guadalupe River, the recharge of the Edwards from the Nueces Basin, and finally, a transfer from the Colorado. So this 'false premise' is false when it says the report says San Antonio has 'only one possible source'... 'the Colorado'.

"Point 3: This 'false premise' is likewise false. It says the report finds the Colorado Basin has a surplus. The report on Page 40 points out that more than 5,000,000 acre feet a year will need to be imported into the Colorado by 2020 to meet its needs. For Austin to complain about brief interim exports when it will need to import that vast amount seems indeed to be 'provincial', to use Gov. Connally's term.

"Point 4: This 'point' is pure double talk and requires no comment other than to read it.

"Point 5: This point is completely false. The proposed water quality standards are not proposed to apply to sewer plant discharges, as this 'point' implies, but to the quality of water in the stream. The proposed standards are the historic readings on chloride, increased in recognition of the fact that there are no doubt going to be treatment problems. To repeat, the proposed criteria have no requirement governing discharges, so it couldn't require Austin to discharge better water than it takes in.

"Point 6: The Water Pollution Control Board has already announced that it is revising the temperature criteria to meet objections from power companies, but it should be noted that power plants, including Austin's, are not going to be allowed to pollute streams as they choose, under both the State and Federal anti-

pollution laws, and temperature is a pollution-causing factor in streams.

"Point 7: As anyone knows, no act of government can destroy property values without payment therefor, and under the law by which this Plan is being made, it cannot be adopted if it harms the basins of origin.

"The conclusion: It is unthinking to me for Austin to officially say that the State government should tell people where they can live in Texas. This Plan is based on what appears to me to be a Texas view that every part of the State is to be allowed to achieve its best potential unhampered by shortages of water at prices necessary to get it there. I would point out that Austin, through the far-sightedness of some Mayors and Councils, has an over-abundance of water, yet it has not been able to attract a single major water-using industry, simply because it lacks other factors, such as cheap natural gas, water transportation, raw materials and the like. For us to sit on unused water, denying drinking water to other Texans who need it, would be good grounds for Texas to deny us our position. As for (C), any water rights which are taken away will be done only through process of law, either purchase or condemnation. And in every case, the Texas Water Plan points out that dams and pipelines will be paid for by those who use the water. This water does not belong to Austin, or to the Colorado Basin. It belongs to the State of Texas, and it can be used only when the State government grants the right to use it. As for (D), the Plan, as anyone can read, does call for desalinization of sea and other salt waters where there are no unused fresh ground or surface water.

"Item (2) in the conclusion indicates a complete ignorance of the Texas Water Plan. It proposes no use of State funds to pay for municipal water supplies. The Texas Water Development Fund, under the law, can be used only for loans to cities and river authorities which cannot otherwise finance their projects, and these loans must be repaid. Every dime of the Water Development Fund must be repaid to the State, under the law and constitution, 'on a fully liquidating repayment basis'.

"Item (3) has already been commented on. That was taken care of in the due process clause of the U. S. Constitution.

"Item (4) suggesting that a 'watershed' should be given the State's water to dispose of as it sees fit, returns us to Gov. Connally's 'parochialism'. It belongs to all of Texas, and should be distributed, as needed, to all Texans, not boxed up and held by just 'some Texans'."

Councilman Long filed the statement with the City Clerk. She stated a long study was made on this by experts, and overall it is a good plan.

Mayor Palmer stated it was brought out emphatically so many times at the public hearing that the plan as proposed was not the Governor's Plan; that this was the water study plan. It was specifically stated that the plan as submitted

was not Governor Connally's Plan, but he should be commended on his concern of the water in the whole state. He said Austin was invited to file comments on the preliminary plan as submitted. The City just wants to make a statement as it feels the plan affects the City of Austin, and that the City is concerned about assuring the people there is an adequate water supply until the year of 2020. Mayor Palmer stated this was a well drawn City of Austin position, and asked if it would be well for the Council to say it was submitting the position of the City of Austin as follows and adopt in principle the testimony submitted by SENATOR CHARLES HERRING and by MR. SIM GIDEON. Councilman Long did not agree. Councilman LaRue stated he did not think this position could be questioned. The Mayor stated this would be Austin's official position, to endorse in principle the statement of Senator Herring and the testimony submitted by Mr. Gideon. Councilman LaRue stated this would be his position. The Mayor suggested that it be stated that any plan that would seriously affect the water rights, the amount of water rights and quality of the water at Austin, Texas, would be strongly opposed by the City. Councilman LaRue stated there was a lot of good in the report as put down by the Assistant City Attorney.

The Council went over each point, and it was suggested that POINT 1 be left in along with the tabulation; POINT 2 be eliminated; POINT 3 left in with corrections; POINT 4 to be eliminated; and that the last two sentences of Mr. Ullrich's statement of "Position of the City of Austin with Respect to Water Treatment Costs and Water Quality Regulations" be omitted. The document would read as follows subject to amendments:

"The City of Austin submits the following observations relative to the report of this Board presented at the July 27th hearing in Austin and in response to the Board's invitation to file written statements prior to September 1, 1966. We are enclosing the "Position of the City of Austin with Respect to the Water Treatment Costs and Water Quality Regulations".

POINT 1.

"The Texas Water Development Board's report is based upon the premise that there is a flow of 1,500,000 acre feet in the Colorado River at Austin each year. This is not an actual flow figure, it is nothing more than an average of high flows and low flows in the river at Austin over a period of years.

"The following tabulation of flows in the Colorado River at Austin is taken from records available to the Texas Water Rights Commission and shows that there have been nine consecutive years in recent times when the flow in the Colorado River was actually only 966,100 or less acre feet per annum.

"The firm yield of the watershed above Austin is quite another thing. This firm yield, or the yield which the watershed will produce year in and year out does not even approach the 900,000 acre feet and in fact is only 777,000 acre feet per annum.

"It is submitted that the report should be reworked so as to eliminate these errors and re-evaluated on the basis of the actual firm yields possible from the Colorado River watershed and its reservoirs above Austin.

TABULATION UNDER POINT 1Water Year

1941	3,869,000
1942	986,400
1943	1,788,000
1944	1,392,000
1945	1,751,000
1946	1,555,000
1947	1,523,000
1948	957,700
1949	878,700
1950	914,500
1951	764,600
1952	547,500
1953	667,000
1954	684,400
1955	956,900
1956	966,100
1957	3,548,000
1958	3,152,000
1959	1,181,000
1960	2,555,000
1961	1,812,000
1962	764,200
1963	529,600

POINT 3.

"The report is based upon a premise that there is a surplus of water in the Colorado River watershed when in fact no surplus water exists and the entire firm yield of the stream will be utilized within the watershed before the year 2010.

"The Board of Water Engineers in its 1961 report shows a firm yield of the Colorado River at the City of Austin of only 845,000 acre feet. This yield has been diminished at this time by approximately 68,000 acre feet as a result of the increased uses of water upstream and the creation of reservoirs such as the Robert Lee Reservoir.

"It should be pointed out that the creation of reservoirs upstream from the L.C.R.A. Dams has not caused more water to flow by any given point in the stream but in fact diminishes that amount as a result of the enormous evaporation that occurs in reservoirs. The outstanding water rights on the Colorado River are 2,400,000 acre feet. The present use of water on the Colorado River is 506,400 acre feet. The yield in the Colorado River will be 777,000 acre feet, after completion of Robert Lee. The demand for water in the Colorado River watershed as of the year 2010 is 940,000 acre feet.

"Obviously, any diversion from this watershed creates a new water problem that does not now exist.

"It has been stated that the water deficit in the Colorado River watershed proposed to be created by the adoption of this plan will be made up by water transferred to the Colorado River from the Brazos. Who is to guarantee that development in the Brazos River watershed within the next few years will not create such a demand for water as to make that water unavailable when the time comes? Assuming the water is available when the time of its immediate need comes, who is to pay for the transportation of such water to the Colorado River watershed? Who would pay the property owners on the Highland Lakes for the diminution of the value of their property? Who would pay the City of Austin for its increased water treatment costs? Who can presently make an absolute guarantee that water diverted at this time will be replaced?

"POSITION OF THE CITY OF AUSTIN WITH RESPECT TO WATER
TREATMENT COSTS AND WATER QUALITY REGULATIONS

Proposed Exportation of Water from the Colorado River Basin -- EFFECT ON WATER QUALITY.

The City of Austin protests the exportation of water from the Colorado River basin from a location at or near Austin on the basis that such exportation would generally lower the quality of the water available to Austin for municipal and industrial use. The City of Austin could place a dollar value on the additional treatment cost which such lowering of water quality would cost the citizens of Austin but admittedly, the most conservative cost increase estimates would be as difficult to prove as they would be to disprove. However, the proposed exportation of water would require that the Highland Lakes (particularly Lake Travis and Lake Buchanan) be operated at lower levels, especially during extended droughts. Operation of these lakes at lower levels would definitely decrease the dilution factor and would thereby increase the concentration of pollutants. It would be safe to anticipate that more chemicals would be required to maintain the same treated water quality now available to the citizens of Austin. Additionally, it is in the realm of possibility that the increase in hardness and organic pollutants would necessitate treatment of the power plant cooling water, which has not been necessary in the past. This would, in itself, be a major cost item.

It is not clear from the Board's "Preliminary Plan" from what exact location, at or near Austin, the proposed 170,000 acre feet per year is to be taken for exportation to San Antonio. If it is planned that the proposed exportation be made from a location upstream from the City of Austin's waste water treatment plants, then the City of Austin further protests such exportation on the basis that it will reduce the water available for dilution of the effluent from Austin's waste water treatment plants. It is, of course, common knowledge that domestic use of water increases the salt content of the water, primarily as chlorides. In order to meet the "Water Quality Criteria" proposed by the Texas Water Pollution Board, which proposes that the chloride content in the Lower Colorado River Basin (Matagorda to San Saba) not exceed 70 ppm, which is a lower

concentration than is sometimes present in the river water upstream from Austin and in the Austin tap water, exportation of water from a location upstream from the waste water treatment plants would require that the City of Austin remove some or all of the chloride from the effluent of its waste water treatment plants merely to maintain the status quo. Since chloride can be removed only by use of one of the several desalting (desalination) methods, it is conservatively estimated that such additional treatment would cost approximately 40¢ per thousand gallons of waste water treatment plant effluent. During the 1965 calendar year, the City of Austin returned 7,709,336,000 gallons of treated waste water to the river. Desalting of this quantity of water would have cost the citizens of Austin an additional minimum of \$3,083,734.40.

"The City of Austin does not believe that it is the intent of the Water Development Board to needlessly increase the financial burden of the citizens of Austin. The above data is given, at this time, merely to indicate how the proposed Water Development Board's Plan and the proposed Water Quality Criteria could affect Austin.

Proposed Water Quality Criteria

"The City of Austin protests the adoption of the Water Quality Criteria proposed for the Lower Colorado River Basin (Matagorda to San Saba) for the NTE (not to exceed) and the NLT (not lower than) constituents on the basis that, historically, the water as received at Austin does not always meet the proposed criteria. As an example, during all of 1964 and during the first six months of 1965 the chloride in the City of Austin tap water exceeded the proposed limit of 70 ppm. In order to meet the proposed criteria it would be necessary for Austin to desalt the effluent of its waste water treatment plants merely to discharge such effluent into a stream which may already contain a higher concentration of chloride.

The City of Austin also protests the proposed temperature criteria which states 'will not increase the ambient water temperature more than 2°C. at 100 yards from the point of discharge'. City of Austin water temperature records for 1964 and 1965 show that monthly average temperatures of the Govalle waste water treatment plant effluent ranged from 2.2°C. to 7.8°C. higher than the average temperatures of the river water during corresponding months. The average temperature of the waste water treatment plant effluent during the two years was 5°C. higher than the average temperature of the river water at the water treatment plants. It is conceivable that during low river flows the temperature rise caused by the waste water treatment plant effluent will be greater than the proposed 2° C. Additionally, the temperature of the cooling water discharged from the City's power plants is from 4.4°C. to 6.6°C. higher than the river water temperature. What effect this temperature difference will have 100 yards from the point of discharge will, of course, depend on the ratio of the volume of warm water discharged to the volume of water in the river and to the flow of water past the point of discharge.

The City of Austin respectfully suggests that the proposed limit of a 2°C. increase is unnecessarily restrictive. Further,

City of Austin personnel have observed greater concentrations of fishermen near power plant cooling water discharge locations than at any other locations on Town Lake. This would seem to indicate that the warm cooling water may be beneficial rather than harmful to fish life.

Comments and Suggestions

"The City of Austin wishes to point out that communities and areas that have planned for the future generally have sufficient water for their foreseeable future needs. Either they have developed water supplies in their own areas or have negotiated with areas which have surplus water.

The Water Development Board has recognized that some areas are deficient in water and that there is no relief in sight for them. The City of Austin respectfully suggests that no area which is deficient in water be encouraged to believe that it may expropriate water from another area which has diligently planned, financed and constructed a water supply system for its own present and future needs. In this connection it should be pointed out that industry and people have historically moved to areas where water is present. History also teaches us that industry and people quit moving to an area which has depleted its water supply or has reached its potential with respect to water supply. It is believed that history is now repeating itself, as demonstrated by the fact that industry and people are beginning to move into East Texas.

The City of Austin commends the Water Development Board for its proposal to establish 'an office of the Texas Water Development Board in West Texas, adequately staffed with able personnel to assist in the wide range of research, data-collection programs, improved water-application studies, and continuing technical and economical analyses, required to assure optimum conservation and utilization of available water supplies'."

The Assistant City Attorney stated he would have this out for the Council's review as soon as possible.

The Assistant City Attorney stated there was a reservoir site of 4 1/4 - 4.65 acres on Highway 183 and McNeil Road, one of the sites at the right elevation. The Director of Water and Sewer Utilities stated this eventually would be a six to eight million gallon reservoir. The Assistant City Attorney said they had an agreement with the owner, Mr. Newt L. Kinser, et ux. Councilman LaRue asked if some other tract within a quarter of a mile from this could be found. The Director of Water and Sewer Utilities said this was the closest tract to town with that elevation and the farther out the site, the more line would have to be run at \$50-\$60.00 a foot for pipe, making at least \$5,000 for 100'. Councilman Long asked for more appraisals on this tract. Councilman LaRue stated he felt the price was too high also; but it is pointed out a 200' distance would make quite a difference when installing the pipe. The Director of Water and Sewer Utilities stated the reservoir would not be constructed in the immediate future, as the present storage probably will last for three or four years. After discussion, Councilman White moved that the City Manager be authorized to acquire this four acres more or less. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Councilman Long made the following statement concerning her vote:

"I think we will have the possibility of recapturing our initial investment by selling off the front corner, and I vote 'aye'."

The Assistant City Manager submitted a request to purchase property, a portion of which will be needed for Missouri Pacific Boulevard at 45th Street, owned by Mrs. Annie Mae Green. (Lot 19, Block A, Highland Park) The house on the property would not have to be moved. The City owns the adjoining lot, and the two remnants would be a good tract of property later. He listed the two appraisals, and the amount MRS. GREEN would accept for the property which was a reasonable amount. After discussion, Councilman Long moved that the City Manager be authorized to purchase the Green property. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The City Manager discussed another real estate matter involving Zilker property. He reviewed the Zilker transaction of giving the property to the Schools with the understanding the Schools would sell it to the City as a park and use the proceeds to set up a Manual Training Department. Mr. Zilker had leased some of the property included in the deed to the City to the Butler Brick Company. Some is on the south side of the river where the City had a sanitary fill and the Butler Brick Manufacturing Plant was on the north side of the river on land leased from Mr. Zilker on a 99 year lease. Forty-four years remain on the lease, which limited the property to the purpose of brick manufacturing. The Butlers proposed to the City that they would release the property on the south side of the river and the river valley on the north side in exchange for an agreement by the City that the purposes of the remainder of the lease could be expanded. The City Manager reported that the Cotton Plan for the development of the Missouri-Pacific Boulevard would consume practically all of this land in turnouts, interchanges, and overpasses, etc. This development would require the acquisition of the leasehold estate. The Butlers say they have had opportunities to make use of this property for some commercial use or for a high density apartment use. They recognize any improvements they place on this tract may have to be removed if they conflict with the plans of the Missouri Pacific Boulevard before the 44 year period is up. Appraisals have been made of the leasehold estate, and the Butler family has agreed on a price substantially above the highest appraisal. It was suggested to the Butlers that they get an appraiser. They would need to know if the City were going to acquire the property. The City Manager stated it appears the property will be needed within the next five or ten years. The plans for the boulevard might be altered whereby the property could be bypassed. The City Manager asked the Council's thoughts about the probability of having to acquire this property before the Butlers have an appraisal made. The City Manager stated the Cotton Plan met the State Highway construction criteria and he discussed a possibility that the Highway Department could build this highway. MAYOR PALMER said before a firm statement was made on how to proceed, there would be a meeting with the Highway Department on September 1st, and the City would know better how soon it would need this property, and whether or not the State would participate on the boulevard. Mayor Palmer asked the City Manager to tell the Butlers that the Council had asked for approximately 60 days.

MAYOR PALMER stated the Council has asked the City Manager to prepare a brochure or prospectus that they have reviewed with MR. TOM WOOD and MR. DEWITT GREER on information the Commission might want in order to make their decision. The Mayor stated Mr. Greer was frank to say about the procedure that someone make a five minute presentation, and let the City Manager present about five minutes with a little detail on what has been done already. Mr. Greer had suggested there not be several long speeches. Councilman Shanks moved that the Mayor make the presentation. Mayor Palmer stated this boulevard was the number one priority set out in the Urban Transportation Plan; the need for the boulevard is that it will carry 60,000 cars a day; it would take the pressure off Interstate 35; and it would be impossible for the City to build this thoroughfare until 1982. The Mayor asked the Council to look at the report and familiarize itself with it. The Mayor stated the City together with the Highway Department and Bureau of Public Roads developed an Urban Transportation Plan. In that plan, purely an engineering study, they point out the Missouri Pacific is the No. 1 priority for this geographical area. The City has already acquired much right of way and paid for quite a bit of development on the Boulevard. It may be necessary to go back to the company and ask for another 20-25' for a third lane. The traffic count showed by 1982 three lanes would be required.

MR. LEO LEWIS discussed the water problem he had on his property on Circle S Road and Highway 81, stating the property was being sold, and the buyer had to be assured he would have water. The Director of Water and Sewer Utilities stated this property was in Water District 5 and there is an 8" line in Circle S Road. There is a series of lots which were subdivided perhaps in 1933. Under the terms of the present subdivision requirements those lots have water because there is a water line in that road, but no line in Highway 81 or South Congress. When this property is separated from the other tract, those lots would face on South Congress Avenue (Highway 81) and would be 1700' from the water line. The requirement would be to serve those lots from a line in South Congress, and the problem is that the subdivider is unwilling or unable to provide water service and wants to serve the lots by easements through the property from the other road. Various suggestions were made to Mr. Lewis. MR. SCHMIDT stated if there is no subdivision approved by the Planning Commission, he was not even privileged to serve the lots on Circle S Road. Councilman LaRue pointed out the Council was precluded by statute from serving an unapproved subdivision. Mr. Lewis asked for an exception. Mayor Palmer asked Mr. Lewis to explore his problem with the Water District to see if they would or would not give him a refund contract. Then he could go to the commercial banks for financing.

The City Manager submitted a request from MR. VIRGIL LOTT, Vice Chairman of the EQUAL CITIZENSHIP COMMISSION, that the City remit \$1,000 for the office expenses. Councilman LaRue moved that \$1,000 be sent to the Austin Equal Citizenship Commission. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The City Manager stated there was a packet of material for each Council Member, including items which different members of the Council had asked for in

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connection with the Budget study--a list of projects for Public Works, a list of projects for Recreation, and a Recreation organization chart.

There being no further business Councilman LaRue moved that the Council adjourn. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Council adjourned at 5:15 P.M. subject to the call of the Mayor.

APPROVED



Mayor

ATTEST:

City Clerk